

MEMO ENDORSED

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April 12, 2022

VIA E.C.F.
Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**RE: Mohamed Elsherbiny, et al., v. City of New York, et al.,
21 Civ. 8022 (VEC) (SDNY)**

Dear Judge Caproni:

I am an associate at the law firm of Sim & DePaola, LLP. the attorneys for the plaintiff in the above referenced matter. I am submitting this letter as a joint request on behalf of the parties to respectfully request an adjournment of the Pretrial Conference currently scheduled for April 18, 2022 three (3) weeks to May 9, 2022, or any date thereafter convenient to the Court. Counsel for the defendants, Assistant Corporation Counsel KellyAnne Holohan, joins in this request.

On September 27, 2021 this matter was removed from Bronx Supreme Court to the Southern District of New York. Plaintiff's complaint alleges, *inter alia*, that he was falsely arrested while exercising his First Amendment Rights during a protest on June 4, 2020 and that during that arrest, excessive force was used causing him injury. See Civil Docket Entry No. 1. On February 14, 2022, the currently assigned counsel for the defendants first appeared on the case. See Civil Docket Entry No. 37. On March 28, 2022 the parties attended their first Mediation Conference. On March 30, 2022, a Pretrial Conference was scheduled for April 20, 2022. No. 39 On April 8, 2022, the Pretrial Conference was rescheduled for April 18, 2022. See Civil Docket Entry No. 40.

The parties now respectfully seek an adjournment of three (3) weeks for the Pretrial Conference. As an initial matter, Ms. Holohan was assigned to the defense of this matter shortly before the mediation was scheduled. In preparation for the mediation, she utilized the time to become familiar with the materials in defendants' possession. Prior to the mediation, counsel for plaintiff and defendants were unable to meet and confer. The mediation provided helpful insight and a useful forum for the parties to understand each other's cases. While there was no settlement during the mediation, there was progress. The parties now seek to schedule a meaningful meet and confer so that we may explore settlement, address potential pretrial issues, and create a carefully considered preconference submission pursuant to Your Honor's Individual Rules. This brief adjournment is necessary for the parties to schedule and conduct these meetings and discussions.

As such, the parties jointly and respectfully request that Your Honor adjourn the Pretrial Conference for approximately three weeks, to a date convenient for the court, so that the parties can discuss resolution of this case. We thank the Court for your consideration.

Respectfully submitted,

/s/ Sameer Nath
Sameer Nath, Esq.
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/s/ KellyAnne Holohan
KellyAnne Holohan
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Application GRANTED. The initial pretrial conference, currently scheduled for April 18, 2022, is adjourned to **Monday, May 16, 2022 at 10:30 A.M.** Pre-conference submissions are due no later than **Friday, May 6, 2022**. For a description of the pre-conference submission requirements, the parties should consult the Court's order at docket entry 39. The conference will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

Absent extraordinary circumstances, the Court is unlikely to extend those deadlines further.

SO ORDERED.



Date: April 12, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE